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EXAMINER

CHANDLER, SARA M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,667	<b>Applicant(s)</b> ENTANI, NARUTO	
	<b>Examiner</b> SARA CHANDLER	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/05/07.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/987,667 (11/15/01) filed on 12/05/07.

### ***Claim Interpretation***

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but does not result in a

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structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

### ***Information Disclosure Statement***

The information disclosure statement filed 07/09/07 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to provide a concise explanation of the relevance for the references listed that are not in the English language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 2,3,6,7,9,10,13,14,16 and 17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 2 and 9: The claims recite, "registering an information requester at said information requester terminal and information providers at said information provider terminals as members after receiving registration information from both said information

requester and said information providers;" The claim is indefinite because it would appear to conflict with applicant's specification. The claim would suggest that registration information must be received from both the information requester and the information provider before either one can be registered. Fig. 2, of applicant's specification would suggest that the registration of these two parties occurs independently.

Claims 2 and 9 recite, "identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem". The limitations meaning is unclear. Is the person the information requester, information provider(s) or someone else?

Claims 3 and 10 recite, "A selling price information mediation service method according to claim, further comprising keeping a history of an information provider who caused a problem by distributing erroneous information and disclosing the history to said information requester terminal." As noted supra, it is unclear in claims 2 and 9 who "a person" is (i.e., information requester, information provider(s) etc.). Similarly, if that is addressed, should "an information provider" be -- the information provider --.

Re Claims 6 and 13: The meaning of the claim is indefinite and the meaning unclear. Is part of limitation occurring before charging the prescribed information supply fee (e.g., the part excluding information about the stores) and is part of the limitation occurring after charging the prescribed information supply fee.

Should there be some language to describe what is supplied after the charging (e.g., "all of the collected information" as opposed to "a part of the collected information")?

The claims recite, "wherein the collected selling price information is supplied after the charging of said prescribed information supply fee." Should the rest of the claim be recited as a step or act required of the claimed invention rather than as a intended result. For example, -- supplying all of the collected selling price information after the charging of said prescribed information supply fee --.

Does supplying only a part of the collected selling price information before the charging of the prescribed information supply fee in these dependent claims conflict with the independent claims that supply all of the collected information prior to charging of the prescribed information supply fee?

Claims 7 and 14 recite, "further comprising providing payment of a said prescribed informer fee to portion of said at least one information provider terminals that provided pieces of selling price information with of having a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal."

Should this be -- further comprising providing payment of said prescribed informer fee to a portion of said at least one information provider terminals that provided the collected selling price information having a lowest selling price and a price closest the lowest selling price after said step of supplying the collected selling price information to said information requester terminal. – Note "pieces of" was cancelled in the

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independent claims. There is no antecedent basis for "selling the collected selling price information" only "supplying the collected selling price information." Instead of "close to it" applicant should state what "it" is. Also, if several prices can be deemed "close" what standard is used to define what is "close" and what is not "close."

The above recited comments provide suggestions. Comparable language that resolves these issues is also sufficient.

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1, 5-8 and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina, US Pat. No. 6,965,872 in view of Aarnio, US Pub. No. 2004/0078274.



**Re Claims 1:** Grdina discloses a method comprising the steps of:

receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals (Grdina, abstract; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

collecting selling price information which matches the information request from at least one of said plurality of information provider terminals in response to the information request, and generating collected selling price information that matches the information request (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30);

supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28; );

and providing payment of a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a method comprising the step of:

charging said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a method comprising the step of:

charging said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a selling price information mediation service method for mediating and supplying selling price information, which includes selling prices of a commodity in respective stores and information about the respective stores, over a network, the method comprising: receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals; collecting selling price information which matches the information request from at least one of said plurality of information provider terminals in response to the information request and generating collected selling price information that matches the information request; supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission; and providing payment of a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

**Re Claim 8:** Grdina discloses a system comprising:

at least one information requester terminal which requests selling price information (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13);

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a plurality of information provider terminals, each of which provide selling price information for a retailer (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13);

and

a management server which mediates selling price information (Grdina, abstract, Fig. 1, col. 6, line 20 – col. 7, line 19);

wherein the mediating selling price information comprises (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13; “wherein” as used here is not further limiting. It fails to limit the system claim to a particular structure. See MPEP § 2106 II C):

receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals (Grdina, abstract; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

collecting pieces of selling price information which match the information request from at least one of said plurality of information provider terminals in response to the information request, and generating collected selling price information that matches the information request (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30);

supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28; );

and providing payment of a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a system comprising:  
charging said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a system comprising:  
charging said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

Intended Use: The claims make several intended use statements which do not carry patentable weight (e.g., “system for”; “a management server for”; “ processing unit which performs processing for”). What follows the statement of intended use (i.e., “for”) does not carry patentable weight. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a system for mediating and providing selling price information over a network, the system comprising: at least one information requester terminal which requests selling price information a plurality of information provider terminals, each of which provide selling price information for a retailer; and a management server which mediates selling price information; wherein the mediating selling price information comprises: receiving an information request that requests selling price information

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about a commodity from at least one information requester terminal, and communicating the information request directly to a plurality of information provider terminals; collecting pieces of selling price information which match the information request from at least one of said plurality of information provider terminals in response to the information request, and generating collected selling price information that matches the information request; supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission; and providing payment of performing a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

**Re Claim 15:** Grdina discloses a management server comprising:

a receiving unit which receives an information request which requests selling price information about a commodity from at least one information requester terminal (Grdina, abstract; Figs. 1-16; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30),  
a communication unit which communicates the information request directly to a plurality of information provider terminals (Grdina, abstract; Figs. 1-16; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);  
a collecting unit which collects pieces of selling price information matching the information request from at least one of said plurality of information provider terminals,

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and generates collected selling price information that matches the information request (Grdina, abstract; Figs. 1-16; col. 3, lines 29-46; col. 6, lines 22-30);

a supplying unit which supplies the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28; ); and

a processing unit which provides payment of a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a system wherein the supplying unit charges said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a system wherein the supplying unit charges said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

Intended Use: The claims make several intended use statements which do not carry patentable weight (e.g., “a system for”; “a management server for”; “ processing unit which performs processing for”). What follows the statement of intended use (i.e., “for”) does not carry patentable weight. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a management server for mediating selling price information over a network, the management server comprising: a receiving unit which receives an information request which requests selling price information about a commodity from at least one information requester terminal, a communication unit which communicates the information request directly to a plurality of information provider terminals; a collecting unit which collects pieces of selling price information matching the information request that from at least one of said plurality of information provider terminals and generates collected selling price information that matches the information request; a supplying unit which supplies the collected selling price information to said information requester terminal and charges said information requester terminal a prescribed information supply fee and mediation commission; and a processing unit which provides payment of a prescribed informer fee to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

**Re Claims 5 and 12:** Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses wherein information request includes information indicating a restrictive area where an information requester at said information requester terminal can buy the commodity, further comprising the step of supplying said

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information requester terminal with only pieces of selling price information of stores located in the restrictive area (Grdina, abstract; col. 1, lines 24-27; col. 3, lines 4-11; col. 3, lines 42-46; col. 6, lines 22-30; col. 7, lines 25-28).

**Re Claims 6 and 13:** Grdina in view of Aarnio discloses the claimed method/system supra and Aarnio further discloses supplying said information requester terminal with part of the collected selling price information that excludes information about stores before supplying the collected selling price information to said information requester terminal, wherein the collected selling price information is supplied after the charging of said prescribed information supply fee (Aarnio, abstract; [0010] [0013] [0020] [0023] [0024] [0025]).

**Re Claims 7 and 14:** Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses providing payment of said prescribed informer fee to a portion of said at least one information provider terminals that provided pieces of selling price information having a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

**Claims 2,3, 9,10, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, US Pat. No. 6,785,661.

**Re Claims 2 and 9:** Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses registering an information requester at said



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information requester terminal and information providers at said information provider terminals as members after receiving registration information from both said information requester and said information providers (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

Mandler discloses identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem (Mandler, Figs. 1A, 1B, 2 col. 1, lines 27-65; col. 8, lines 4-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina and Aarnio by adopting the teachings of Mandler to provide a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of: registering an information requester at said information requester terminal and information providers at said information provider terminals as members after receiving registration information from both said information requester and said information providers, and identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

As suggested by Mandler, one would have be motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc. ) that may be

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unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

**Re Claims 3 and 10:** Grdina in view of Aarnio discloses the claimed method/system supra but fails to explicitly disclose keeping a history of an information provider who caused a problem by distributing erroneous information and disclosing the history to said information requester terminal. Mandler discloses keeping a history of an information provider who caused a problem by distributing erroneous information and disclosing the history to said information requester terminal (Mandler, Figs. 1A, 1B, 2 col. 1, lines 27-65; col. 8, lines 4-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Grdina and Aarnio by adopting the teachings of Mandler to provide a selling price information mediation service method, wherein said management server further comprises the step of keeping a history of an information provider who caused a problem by distributing erroneous information and disclosing the history to said information requester terminal. As suggested by Mandler, one would have be motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc. ) that may be unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

**Re Claims 16 and 17:** Grdina in view of Aarnio and Mandler discloses the claimed method/system supra and Grdina further discloses a selling price information mediation service method/system, wherein said registration information comprises at least one of

a registration identification and a password (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

**Claims 4 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, US Pat. No. 6,131,087.

**Re Claims 4 and 11:** Grdina in view of Aarnio discloses the claimed method/system supra but fails to explicitly disclose wherein the information request n includes information of a selling price limit of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the selling price limit. Luke discloses wherein the information request n includes information of a selling price limit of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the selling price limit (Luke, Fig. 1a; abstract; col. 5, lines 53+ - col. 6, line 11; col. 6, line 56+ - col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina and Aarnio by adopting the teachings of Luke to provide Luke discloses wherein the information request n includes information of a selling price limit of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the selling price limit. As suggested by Luke, one would have been motivated to make the shopping experience more efficient by making buyers, and consumers aware of discount pricing possibilities and options within their range.

### ***Response to Arguments***

#### **IDS**

The consideration of EP 1 035 488 A1 was made with the office action filed 09/06/07. It is unclear what other document applicant wishes to be considered or what document is intended to be a English translation of JP 11-120253. The name of the specific document that is intended to be a translation has not been established on the record as requested by the Examiner.

#### **Objections**

Withdrawn

#### **112**

Applicant's amendments have been fully considered and the corresponding rejections that are no longer relevant have been withdrawn. New issues have been raised as a result of the amendment amendments as well. See supra.

#### **103**

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues, Grdina fails to explicitly disclose communicating the information request directly to a plurality of information provider terminals.

The literal definition of "directly" is without anyone or anything that intervenes. The literal definition of "directly" conflicts with the idea of having the information providers and information requestors operate in a network environment as claimed. In other words, the information providers and information requesters are communicating

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with one another via the network. This interpretation is supported by Applicant's specification which states:

The above system configuration provides an environment in which the information requester terminal 102 and the information provider terminals 103 **can exchange data over the network 101 with the management server 104 serving as a mediator.** (Applicant's specification, pgs. 7-8)

**The management server executes the steps of the followings, One is receiving, from the information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request to the information providers.**

Another is collecting pieces of selling price information that are received from part of the information provider terminals and match the information request, and generating collected selling price information that matches the information request. Another is supplying the collected selling price information to the information requester terminal, and charging the information requester terminal a prescribed information supply fee and mediation commission. And the other is performing processing for paying a prescribed informer fee to the part of the information provider terminals that provided the pieces of selling price information that match the information request. (Applicants Specification, pgs. 3-4)

In Grdina the exchange of data is also occurring in a network environment. In this environment, retailers, their customers and competitors (i.e., the information requestor terminals and information provider terminals) may also exchange information.

The present invention establishes methods and procedures to **define, organize, collect, distribute, and maintain information** that can be **used by the owner of a business selling commodity-like goods/services as well s by its customers.** This information may include, but is not limited to, name brand of the product, location of the retailer, price of the product, other related goods/services available and their prices, and promotions. These **processes may be performed and implemented on a computer network** that is accessible in real time via a **suitable communication device, such as a computer, wireless communication device, telephone or the like.** (Grdina, col. 3, lines 4-15).

**The computer 12 and wireless communication device 13 may use a global information network, such as the Internet,** to present an interface to the user,

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such as a website having web pages 14 to allow the users to access the system. **The web pages 14 provide information and access to information for the computer user, with the information stored or accessed via a web server 16.** (Grdina, col. 6, lines 39-45)

Reading the claims in light of applicant's specification, a reasonable interpretation of the claimed invention includes a management server receiving, from a information requester terminal, an information request that requests selling price information about a commodity and separately, the management server communicating the information request directly to a plurality of information provider terminals.

In Grdina, the communication devices (e.g., telephone, computer, vehicle, pda etc.) are akin to the terminals of the claimed invention. In Grdina, the consumers/customers are akin to the information requesters. In Grdina, the retailers/business owners are akin to the information providers. In Grdina, in addition to the system receiving information requests from the consumers/customers, the system also communicates information requests directly to the retailers/business owners.

However, **advertising is a passive form of communication and it does not allow the retailer of these commodity-like goods or services to compile current, actual demographic data of its customers.** Without this data, a retailer can only infer what the needs of his customers are. As a result, the retailer may offer goods/services that do not precisely meet the needs of the consumer, or the retailer may miss out on revenue opportunities by not providing the goods or services that consumers are interested in purchasing. **It would be worthwhile to retailers to be able to collect better information about the interests of their consumers.** (Grdina, col. 2, lines 15-25)

The method and system according to the invention **also provides a unique opportunity for retailers to access real-time data relating to selling of commodity-like goods/services and particularly which may relate to data of competitors. The invention provides registered retailers a means of collecting and sorting current real-time data as well as the capability to access historical trend data of competitors. The system also collects raw**

**price and purchasing data and can be used to produce custom marketing trend reports for retailers.** (Grdina, col. 13, lines 37-46)

See also citations supra.

Claims 1-17 are merely using a known technique to improve a similar device in the same way. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC  
/JAGDISH PATEL/  
Primary Examiner, Art Unit 3693